IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 15TH MAY 2007 / 25TH VAISAKHA 1929

WP(C).No. 15185 of 2007(G)

PETITIONER:

M.M.MUHAMMED KUNJU,PROPRIETOR,
M/S.M.M.SAW MILLS AND INDUSTRIES,
ADOOPARAMBA,MUVATTUPUZHA,
ERNAKULAM DISTRICT.

BY ADV. SRI.BOBBY JOHN

RESPONDENTS:

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1. THE INTELLIGENCE INSPECTOR,
COMMERCIAL TAXES,KANNUR.

2. THE INTELLIGENCE OFFICER,
COMMERCIAL TAXES,KANNUR.

3. THE DEPUTY COMMISSIONER (APPEAL),
COMMERCIAL TAXES,KOZHIKODE.

4. STATE BANK OF TRAVANCORE,
MUVATTUPUZHA BRANCH,
REP.BY ITS BRANCH MANAGER.

BY GOVERNMENT PLEADER SRI.GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Antony Dominic, J.

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W.P.(C)No.15185 of 2007

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Dated this the 15th day of May, 2007.

JUDGMENT

Grievance of the petitioner is that although he has filed statutory appeal against Ext.P1 order imposing penalty, without waiting for the outcome of the appeal, the Bank Guarantee furnished by him pursuant to the judgment of this Court, is attempted to be encashed. It is in the above circumstances, this Writ Petition has been filed seeking appropriate orders. Since the appeal filed by the petitioner is pending consideration of the second respondent, the Appellate Authority, I direct the second respondent to pass appropriate orders on the appeal filed by him, within a period of six weeks from the date of receipt of a copy of this judgment. In the meantime, the Bank Guarantee furnished by the petitioner pursuant to the judgment of this Court in W.P.(C) No.3657 of 2003 shall not be encashed. The petitioner is directed to produce a copy of this judgment before the second respondent for compliance.

Writ Petition is disposed of as above.

Antony Dominic
Judge.

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